

## **Simermeyer, Sequoyah**

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**From:** Grimes, Janis  
**Sent:** Thursday, June 25, 2009 10:03 AM  
**To:** Tsosie, Paul; Simermeyer, Edward; Skibine, George; Garriott, Wizipan  
**Subject:** Fw: Tejon meeting request

**From:** "Schaeffer, Suzanne" <SSchaeffer@PattonBoggs.com>  
**To:** <Janis\_Grimes@ios.doi.gov>  
**Cc:** "Sibbison, Heather" <hsibbison@pattonboggs.com>  
**Date:** 06/24/2009 05:49 PM  
**Subject:** Tejon meeting request

Ms. Grimes: I am sending another meeting request (attached) for Heather Sibbison, this time on behalf of the Tejon Indian Tribe. Again, we apologize for not sending this directly to you earlier. The Tejon Indian Tribe requests a meeting with Assistant Secretary Echo Hawk at his earliest convenience, in connection with its pending requests either for confirmation of its status as a recognized tribe, or in the alternative, to be allowed to reorganize as a half-blood community.

Please do not hesitate to contact Heather (202/457-6148) or me if you have any questions. Thank you. Susi Schaeffer

Suzanne R. Schaeffer  
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Tejon Meeting Request Letter.pdf



Tejon Meeting  
Request Letter.p...



June 14, 2009

The Hon. Larry EchoHawk  
Assistant Secretary  
Bureau of Indian Affairs  
Department of the Interior  
1801 C Street, N.W.  
Washington, D.C. 20240

Dear Assistant Secretary EchoHawk:

On behalf of the Tejon Indian Tribe, I am writing to extend congratulations to you on your recent appointment as Assistant Secretary for Indian Affairs. Our hope is that with your strong guidance and commitment, the Bureau will move quickly to address many of the pressing issues left lingering by the last administration. Unfortunately, one of those lingering issues is confirmation of our Tribe's status as a federally recognized tribe. Because our unsettled status inflicts an immeasurable toll on our elders and our youth, I respectfully request a meeting with you at your earliest convenience to discuss the Tribe's request for confirmation of status and its request to organize as a half blood community under the Indian Reorganization Act.

In June 2006, we submitted a request to the Department to confirm our status as a federally recognized tribe. As you may recall, during the Clinton Administration, Assistant Secretary Gover confirmed the status of three tribes that, as a result of administrative error, were left off the list of federally acknowledged tribes. Our 2006 request explained that although the United States negotiated a treaty with our Tribe, litigated a land and water claim on the Tribe's behalf to the Supreme Court in the 1920s, established and maintained an Indian school for us on our aboriginal lands until the late 1940s and held a reservation for our Tribe until 1962, we were erroneously left off the list of federally acknowledged tribes. The administrative termination of our reservation occurred during the lifetime of many of our members, and our tribal elders and some of our members are literally the same people who attended BIA schools. Thus, our Tribe is similarly situated to the tribes confirmed by Assistant Secretary Gover.

Our request for confirmation included an alternate request that our Tribe be allowed to reorganize under the half-blood community provisions of the Indian Reorganization Act. The previous administration stated that our Tribe could utilize this statutory process if it confirmed that some of our members possessed one-half or more Indian blood. Over a year ago, the Department confirmed that 35 of our 214 members possessed one-half or more Indian blood.

Although initially the last administration seemed to be moving forward with our request, we have not received any substantive feedback from the Department for over a year. In January we met with Deputy Assistant Secretary George Skibine to express our concerns about the previous administration's slow, constantly delayed, response to our request. Shortly after that meeting, the Tribe submitted a letter in which we specifically asked the Department to confirm that it would allow our half blood members to continue with the half-blood community organization process (a copy is attached for ease of reference). We asked for that confirmation because the next step in the process requires that we acquire fee title to land that could then be taken into trust by the Department, and as you can imagine, the expense of acquiring land is not insignificant for our tribe.

While I understand that the transition to a new administration takes time, we still have no real response to our June 2006, submission or to our January, 2009 letter. This lack of attention from the Department is causing significant anxiety among my tribal members. Further, the lack of attention effectively has prevented the Tejon Indian Tribe from being eligible for any of the American Recovery and Reinvestment Act funds for which it would have been eligible if the Department had processed the Tribe's 2006 submission in a timely manner.

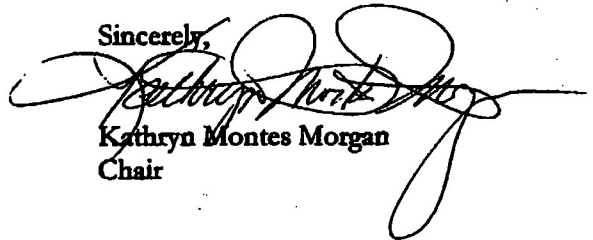
With regard to reorganization under the half-blood community process, I note that the Supreme Court's recent decision in *Carcieri v. Salazar* which reaffirms the validity of the Act's reorganization process for half blood communities tribes like ours. *Carcieri*, 129 S.Ct. 1058 (2009). The majority opinion holds that the Indian Reorganization Act (IRA) "explicitly and comprehensively" utilized "three discrete definitions" of the term "Indian" to identify intended beneficiaries of the IRA's provisions, one of which is "all other persons of one-half or more Indian blood." *Id.* at 1066. Justice Breyer's concurring opinion, with which Justices Souter and Ginsburg agreed, acknowledges that members of one-half or more Indian blood are eligible for the IRA, and in fact the Justices distinguish the Narragansett Tribe by noting that that tribe did not claim "that any member of the . . . Tribe satisfies the 'one-half or more Indian blood' requirement." *Id.* at 1070.

Further, the IRA's legislative history confirms Interior's continuing authority to utilize the half-blood community process. Senate hearings on the legislation uniformly support Congress' intent to reverse the effects of the United States' assimilation policy. Senator Wheeler time and again explained that the Act would apply to Indians of one-half or more Indian blood even if they did not live on a reservation or fall within the alternate definition of "Indian" as a member of "any recognized Indian tribe now under federal jurisdiction." For example, Senator Wheeler explained that the Act would apply to half-bloods of an unrecognized tribe: "If they are half bloods. If they are half-blood Indians under this law, as I understand it, it would permit the Government to take those over." See *S. 2755 et al: A Bill to Grant Indians Living Under Federal Tutelage the Freedom to Organize for Purposes of Local Self-Government and Economic Enterprise*, Hearing before the Senate Committee on Indian Affairs, 73d Cong., 2d Sess., pt. 2, p. 263-66 (1934).

Thus, the Court's discussion of half-blood communities in *Carrieri* and the IRA's legislative history confirm that the Secretary continues to retain the authority to take land into trust and declare it a reservation for our half-blood members. After doing so, Interior's current regulations provide the process for our Tribe to reorganize under the IRA. See 25 C.F.R. Part 81 (Providing regulatory process for group of half-blood Indians resident on reservation to organize under IRA).

It is my hope that the Department can move quickly to confirm our status as a federally recognized tribe or reaffirm the Department's commitment to follow the half-blood community reorganization process established by the Indian Reorganization Act. I would be most grateful if your office could contact me at 661-758-2303 (or either of our attorneys, Heather Sibbison at 202/457-6148 or Arlinda Locklear at 202-237-0933) to arrange a meeting that accommodates your schedule.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kathryn Montes Morgan', with a large, stylized flourish extending from the end of the signature.

Kathryn Montes Morgan  
Chair

